

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DENNIS A. RHODES; GERALD A.
BENDER; and, EDWARD H. WOLFERD,
JR., individually and on behalf of all others
similarly situated
Plaintiffs,

v.

ROSEMARY DIAMOND; FRANCIS S.
HALLINAN; DANIEL G. SCHMIEG;
LAWRENCE T. PHELAN; JUDITH T.
ROMANO; FRANCIS FEDERMAN;
THOMAS M. FEDERMAN; PHELAN
HALLINAN & SCHMIEG, LLP;
FEDERMAN & PHELAN, LLP
Defendants.

CIVIL NO. 09-1302

ORDER

AND NOW, this 14th day of July, 2010, upon consideration of Defendants' Motion to Dismiss (Doc. No. 2), Plaintiffs' Opposition thereto (Doc. No. 3), Defendants' Reply (Doc. No. 5), Plaintiffs' Notice of Consent Judgment and Order in the matter of *Federal Trade Commission v. Countrywide Home Loans, Inc.*, No. 10-4193(C.D. Cal. June 7, 2010) (Doc. No. 12), and Defendants' Supplemental Memorandum of Law in Response thereto (Doc. No. 14), it is hereby ORDERED and DECREED that Defendants' Motion is GRANTED and Plaintiffs' Complaint is DISMISSED WITH PREJUDICE.

It is further ORDERED and DECREED that Plaintiffs' Motion for Leave to File Amended Complaint (Doc. No. 8) is hereby DENIED AS MOOT.¹

BY THE COURT:

/s/ C. Darnell Jones, II J.

¹ Subsequent to the conclusion of briefing regarding Defendants' Motion to Dismiss, Plaintiffs filed a Motion for Leave to File Amended Complaint (Doc. No. 8) and Defendants filed an Opposition thereto (Doc. No. 9). This Court has reviewed same and is of the opinion that in light of the reasons for granting Defendants' Motion to Dismiss, amendment would be futile.